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# **Indiana Department of Transportation 2020 Title VI Goals and 2019 Accomplishments Report**



Dated: October 1, 2020



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# INDIANA DEPARTMENT OF TRANSPORTATION

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## 2020 Title VI Goals and 2018 Accomplishments Report

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## INDOT'S 2020 GOALS AND 2019 ACCOMPLISHMENTS REPORT

This report should be read in light of INDOT's Annual Title VI Implementation Plan which outlines INDOT's Programs and Policies that it implements and adheres in order to ensure its Title VI Compliance. Part of those policies include annual program area reviews, which include data collection and analysis to identify and address discrimination if found to exist, training workshops, subrecipient compliance reviews, and INDOT's complaint policy.

INDOT's Title VI Program Year runs from October 1 thru September 30 annually and mirrors the federal fiscal year.

This report identifies INDOT's accomplishments during the previous program year, in this case 2019, and establishes goals guided by and derived from data gathered in 2019 and previous years as well as agency input and input from Federal Highway Administration (FHWA). INDOT also welcomes public input on its selection of annual goals. Public input may be directed to INDOT's Title VI Program Manager ("Program Manager") at:

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The following sections identify INDOT's 2019 Accomplishments and 2020 Goals in light of the data reviewed for each area below:

- **Program Area Reviews**
  - Program Areas Included in the Title VI Program
  - Integrated (Cross-Division) Programs Included in the Title VI Program
  - Identification of Special Emphasis Program Areas
- **Subrecipient Compliance Monitoring**
  - Contract Compliance Monitoring
  - LPA / MPO Compliance Monitoring
  - University Compliance Monitoring
- **Title VI Training**
  - Internal Nondiscrimination & Accessibility Training
  - External Nondiscrimination & Accessibility Training
- **Title VI Complaints**

## **PROGRAM AREA REVIEWS**

### **GENERAL SUMMARY**

The 2019 annual assessment revealed that INDOT continues to benefit from additional district-level engagement, our overhauled program website and ActionStep Case Management System implementation. In addition, the program areas analyzed and included as liaisons continue to be evaluated and expanded on an ongoing basis to include more program areas and more integrated representation within the divisions. INDOT continues to expand its internal working group and promote staff awareness and participation. In 2017, INDOT put mechanisms in place to gather data in key areas it explored in 2016 now that its subrecipient monitoring program has been fully developed and is operational. Data is being gathered for professional services contracting, real estate, environmental justice, limited English proficiency and Accessible Pedestrian Signal ("APS").

As a result of changes made to INDOT's Title VI Program, The Federal Highway Administration (FHWA) upon completion of its compliance review of INDOT in 2016 provided notice that INDOT had resolved its deficiencies and was in compliance with Title VI. INDOT continues to implement the changes made to ensure a fully effective and operational agency-wide Title VI program. INDOT's program documents were again accepted in 2019 and FHWA has been invited to participate in this report

### **2019 PROGRAM YEAR SUMMARY OF ACCOMPLISHMENTS**

The following is a summary of the accomplishments INDOT made in FFY 2019 tied to the above FHWA and INDOT goals.<sup>1</sup>

### **INDOT APPROACH TO INTERNAL COMPLIANCE REVIEW WAS REVISED**

INDOT revised its approach to internal compliance by increasing the frequency of communications between the Program Manager and Liaisons. As a result Title VI representatives within the agency actively assisted in developing procedures for the collection of statistical data (race, color, or national origin) of participants in, and beneficiaries of State highway programs, i.e., relocatees, impacted citizens and affected communities. 23 CFR 200.9 (b)(4).

The internal network was developed as a result of a review of prior practices which were evaluated as ineffective in achieving results. After several years of operations with the increased communications in INDOT's internal network, it has been observed that there is an increase in effectiveness demonstrated by the following:

- Increased attendance and participation during internal training opportunities.
- Increased dialogue between the Program Manager and the interdisciplinary team.
- Increase in the number of program achievements and annual goals met.
- Increased awareness of Title VI requirements by and among employees.

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<sup>1</sup>All references to FFY 2017 shall refer to the federal fiscal year which is 10/1/16 – 9/30/17. INDOT's fiscal year for 2017 is from 7/1/17 – 6/30/18.

Key program areas, such as the Local Public Agencies (LPAs) and Metropolitan Planning Organizations (MPOs) Division and the Design Division have already had teams established and tasks identified and assigned. Meeting minutes from each program area and/or district meeting are maintained by the Program Manager as compliance records.

#### **INDOT CONTINUES TO DULY IMPLEMENT ITS SUBRECIPIENT MONITORING PROCEDURES**

INDOT has developed and implemented a risk-based subrecipient monitoring process for all subrecipients of federal funds, including LPAs, MPOs, contractors, consultants and universities. The process defines:

- How INDOT prioritizes conducting annual subrecipient reviews;
- What form the reviews will take (desk or onsite);
- Criterion for onsite reviews;
- The documentation from subrecipients required for review;
- Determining metrics and parameters for substantial compliance; and,
- How the reports will be distributed to subrecipients.

These subrecipient monitoring procedures are reflected in INDOT's Title VI Implementation Plan.

In FFY 2018, INDOT:

- Acquired the case management system, ActionStep, to track, analyze and run reports pertaining to Title VI and hired additional staff dedicated to subrecipient compliance monitoring, and Will Gay has been effectively monitoring subrecipient compliance and providing technical assistance full time now for an entire fiscal year;
- Included a Title VI and ADA certification in the prequalification packet for contractors and consultants;
- Provided web-based training for contractors and consultants; and
- Developed a website for each specific subrecipient audience with targeted resources and both in person and online training opportunities.

## **INDOT HAS REVISED AND EXPANDED ITS NONDISCRIMINATION TRAINING PROGRAM**

INDOT has provided training to all of its liaisons, Program Area Representatives (PARS) and managers in key program areas several times since 2015, representing about 250 key staff members. In FFY 2019, INDOT continues to work closely with INDOT Talent Management to train incoming employees, participating in live onboarding training and providing ample opportunity for the balance of INDOT's staff to receive training using the new platform procured by the Division. Additional training modules have been developed that can be integrated with our new platform and launched online.

In addition, INDOT tripled its live in-district training sessions which included an opportunity to participate remotely.

More specific information about INDOT's training materials and those who received training can be found below in the overview of INDOT's Title VI Policies, Practices & Procedures subsection on training. The general workshop training materials used each year will be provided upon request and will be posted online at <http://www.in.gov/indot/3591.htm>

## **GENERAL PROGRAM AREA REVIEWS**

Program areas are identified and selected for Title VI program participation when it is determined that direct or significantly related Title VI Implications exist or are likely to exist within the program area. All INDOT program areas will be periodically considered and evaluated for participation in the Title VI program. The evaluation will focus on whether or not Title VI implications exist in the program area that should be monitored above and beyond general compliance oversight as part of our agency and will include a periodic review of all state agency directives for Title VI implications. When a program is evaluated for participation, the Program Manager will also ensure all employees in that program area have received basic training on INDOT's nondiscrimination policies and practices.

Following an initial review, a program area will:

- Be tasked with ongoing annual data collection and reporting related to Title VI implications.

For more information on program area review practices and procedures, please see INDOT's Title VI Implementation Plan.

In FFY 2019, Special Emphasis Program Areas included:

- INDOT's Real Estate Division;
- INDOT Construction; and
- Metropolitan Planning Organizations (MPOs) as subrecipients of INDOT

In FFY 2020, Special Emphasis Program Areas continue to be:

- INDOT's LPA Division;
- INDOT's Real Estate Division;
- INDOT Construction; and

- MPOs

## PROGRAM TASKS AND GOALS

This section includes general goals for ALL program areas. These are designed to ensure basic compliance and program awareness on an agency wide basis and include program components every employee must be aware of. These goals were established based on evidence from the previous year that those programs which received the most training and who conducted regular discussions including Title VI as a topic demonstrated greater progress toward their division specific goals and more regularly approached the Program Manager with questions and issues related to their work area.

INDOT'S Program Manager continues to review INDOT's program areas to identify liaisons as well as Program Area Representatives (PARs) who are subject matter experts and/or "front line" representative in their work area. Those program areas already identified are included in **Exhibit A** of the Title VI Implementation Plan. In so doing, INDOT will be able to ensure comprehensive Title VI program area representation and integration. This review will ensure that:

- Every INDOT facility with public access and every program area has a PAR to ensure nondiscrimination requirements are met, including the training of INDOT staff within the respective district.
- Title VI Liaisons will coordinate with the PARs in each work area to ensure appropriate nondiscrimination data is collected, and to analyze that data with the assistance of the Program Manager in order to determine what action the program area should take, if any, to improve nondiscrimination practices and to eliminate discrimination if necessary.
- Sufficient personnel are in place within the agency to accomplish annual work plans and to ensure nondiscrimination practices and policies are followed and fully integrated into the INDOT operations.

In FFY 2020, INDOT will consider whether to add construction liaisons to the program to prepare for a review of sound wall installation and erosion control mechanisms in 2021 and beyond. In addition, INDOT will monitor the MPO's more closely by having the Subrecipient Compliance Auditor conduct compliance review of our MPO process as it relates to our program area. Our Compliance Division already sends a representative to as many meetings as possible to provide technical assistance and to support and facilitate ADA Transit reviews.



**GENERAL 2020 GOALS FOR ALL PROGRAM AREAS:**

Attend quarterly Title VI Program Meetings	Liaison
Conduct quarterly discussions of nondiscrimination issues relevant to the program area. (May occur as part of another program area meeting but should appear on the agenda.)	Liaison
Receive Title VI Training	Liaison & PARs
Report potential program area Title VI Implications/Potential discriminatory impacts to the Program Manager.	Liaison
Implement INDOT's revised LEP plan	Liaison & PARs
Adhere to and promote all Title VI—related INDOT Policies	Liaison & PARs

**DIVISION – SPECIFIC 2020 GOALS & 2019 ACCOMPLISHMENTS DURING THE REPORTING PERIOD****Legal Division**

<u>2020 Goals</u>	<u>Ownership</u>	<u>Status</u>
Perform quarterly reviews of 10% of executed agency professional services agreements based on the total number of agreements executed in FFY 2018 to ensure ongoing compliance with Title VI.	Liaison and Program Manager	Ongoing - INDOT has reviewed its contract form agreements. Liaison to ensure additional nonstandard agreements are reviewed for compliance.
Review and collaborate with Legal Division regarding any litigation which raises Title VI or any discrimination under other civil rights statutes to ensure that ongoing compliance with Title VI in agency policies.	Liaison and Program Manager	Ongoing - Liaison to assist Program Manager in review of agency policies.

**2019 Division Accomplishments:**

In FFY 2019, the Legal Division closely collaborated with the Program Manager to ensure district participation at all program events and trainings. The Legal Division also assisted with resolution of targeted issues and complaints. Specific training is periodically provided to the Legal Division in Title VI and the attorneys who represent the districts now serve as additional program area liaison and “feet on the ground” to ensure agency-wide compliance across the district, especially as it relates to agreements and other documents submitted to Legal Services for review.

### **2020 Division Goals:**

In FFY 2020, INDOT's Program Manager will continue to work with the Contracts Administrator of Professional Services Contracts to review on a quarterly basis INDOT's 10% of the executed professional service agreements to ensure the Title VI language is indeed being executed as required. The baseline in establishing the 10% metric is determined from the total number of professional services contracts executed in FFY 2019. The selection of these contracts will be random. In the event that it is discovered in the audit of the professional service agreements that Title VI language is not included, the Program Manager will bring this fact to the attention of the Legal Liaison and Contracts Administrator for Professional Services Contracts to provide an explanation for the exclusion of the Title VI language. The percentage of contracts reviewed will be noted and reported in the audit as either compliant or noncompliant.

In addition, the Program Manager will continue to work with the Legal Liaison in reviewing policy manuals and will bring to the attention of the Legal Liaison when the Program Manager discovers that a specific program area's policies could potentially impact Title VI compliance efforts and possibly lead to legal consequences for INDOT.

### **Real Estate Division – Special Emphasis Program Area**

<b><u>2020 Goals</u></b>	<b><u>Ownership</u></b>	<b><u>Status</u></b>
<b>Review all policy manuals related to relocation, buying appraising and condemnation for Title VI and other possible disparate impact and make recommendations for change</b>	<b>Program Manager</b>	<b>Ongoing</b>
<b>Gather data resulting from implementation of the new mechanism in Land Record System (LRS) to capture demographic data beyond the scope of relocations for this program area.</b>	<b>Liaison &amp; PARs</b>	<b>Continuing</b>
<b>Continue to review how opportunities to do business with INDOT in this division are promoted and made available and evaluate for discriminatory impacts.</b>	<b>Liaison Program Manager</b>	<b>Ongoing</b>
<b>Collect and review data related to approved appraisers and buyers who are not INDOT employees to evaluate for discriminatory impacts</b>	<b>Liaison Program Manager</b>	<b>Ongoing</b>

## 2019 Accomplishments:

The division representatives met with the Program Manager to review progress on implementation of LRS mechanisms implemented to gather demographic data similar to that gathered and reported below in LRS for other operations areas of the division (buying, condemnation etc.). In addition, the division representatives discussed the need to evaluate opportunities to do business with INDOT within the division (i.e. as an approved appraiser or buyer). Surveys were drafted and reviewed to assess how INDOT selected appraisers and buyers to do work for INDOT. The real estate division was able to construct a "Title VI tab" placed within the buying section of the online survey, which is used to capture demographic data from relocation and buying. Preliminary review of data collected will be conducted in 2019/2020, utilizing our ActionStep platform and additional program staff.

age is View Only - Packet is not available in this Discipline

Buying			
Buying		Buying Status Report	
Title VI			
VI/ADA Maintenance			Screen Mode:
Sum of the ethnicity count must be equal to the sum of the gender count unless Declined			
Sum of the six race counts must be equal to the sum of the gender count unless Declined			
Sum of the four age counts must be equal to the sum of the gender count unless Declined			
Did Displacee choose not to respond to request for information?		<input type="radio"/> YES <input type="radio"/> NO	
Suffix			
Gender Count Male	<input type="text"/>	Gender Count Female	<input type="text"/>
Ethnicity Count Hispanic or Latino	<input type="text"/>	Ethnicity Count Other	<input type="text"/>
Race Count American Indian or Alaskan Native	<input type="text"/>	Race Count Asian	<input type="text"/>
Race Count Black or African American	<input type="text"/>	Race Count Native Hawaiian or Pacific Islander	<input type="text"/>
Race Count White	<input type="text"/>	Race Count Multiracial or Other	<input type="text"/>
Age Count <21	<input type="text"/>	Age Count 22-40	<input type="text"/>
Age Count 41-65	<input type="text"/>	Age Count > 65	<input type="text"/>
Household Income	<input type="text"/>	Low Income	<input type="radio"/> YES <input type="radio"/> NO <input type="radio"/> N/A
Limited English Proficiency	<input type="radio"/> YES <input type="radio"/> NO <input type="radio"/> N/A	Disability	<input type="radio"/> YES <input type="radio"/> NO <input type="radio"/> N/A
Limited English Proficiency Language			
Save		Cancel	
* This color background fields are mandatory.			

## 2020 Goals:

The division's goals for 2020 will be to:

- Continue to review all real estate policy manuals and protocols, including relocation, buying, appraising and condemnation for assessment of any policies which could result in discriminatory treatment
- Continue to implement any additional changes in LRS necessary to collect demographic data for evaluation of program areas beyond the scope of relocations
  - Data is being collected in LRS for areas of operation beyond the scope of relocations. October 2019 will mark two years since implementation. This demographic data will be analyzed by the Program Manager and the LRS Liaison to determine if there is a risk for discrimination in the real estate program areas. The new policy to examine and assess possible discriminatory impacts under Title VI is for Buyers will collect data by providing the Title VI Request for Information form to the property owners who were not relocated and the value of their property was in excess of \$100,000. Information from the completed forms will be entered into LRS system. This completion of this form is voluntary. Therefore, the accuracy of the data collected is a product of the willingness of the public to participate in the survey. ~~In April 2018, the Program Manager and Real Estate Liaison reviewed the effectiveness and outcomes from implementing this data gathering tool and discuss whether the property value threshold should be lowered.~~
- Coordinate with professional services to evaluate the opportunities to do business with INDOT within the division for Title VI Implications.
  - Current assignment process is to evaluate current workload and consultant availability, geographic location, and determination of skill sets needed;
  - Ensure due effort is made to distribute work among the approved, pre-qualified consultants such as appraisers. Train and meet with those staff responsible for assignments and discuss how to mitigate risks for discrimination. Recommend adoption of protocol and policies as necessary.

The following report summarizes the information gathered by the Real Estate Division during the reporting period. Starting October 2019, the Real Estate division will submit a copy of the following report to the compliance division once a month. By doing so, we will be able to track the necessary data to prove disparity is not taking place during the relocation and/or buying process.

## VII/ADA Reporting Information

Date: 09/10/2019 10:19:52AM

Dates: 08/22/2018 through 09/10/2019

The information is a count for each criterion below during the requested reporting period.

	Appraisers	APA Appraisers	Reviewer Appraisers	Field Check Reviewer
Appraisers:	1487	1309	1,299	0
DBE Appraisers:	1	0	1	0
MBE Appraisers:	1	0	1	0
WBE Appraisers:	0	0	0	0
Current number of Appraisers on the approved appraiser list:			111	
Current number of DBEs on the approved appraiser list:			6	
Current number of WBEs on the approved appraiser list:			5	
Current number of MBEs on the approved appraiser list:			0	
Condemnations:			135	
Relocations:			375	
Negotiations:			1029	

The following information pertains to relocations and a random sample of acquisitions.

### Relocations

	Sum of Count	Declined
Hispanics or Latinos	48	98
American Indian or Alaskan Natives	9	79
Asians	9	69
Blacks or African Americans	40	70
Native Hawaiians or Other Pacific Islanders	0	69
Whites	1472	69
Females	699	89
Males	895	121
Multiracial or Other	84	69
Age Count =< 21	253	88
Age Count 22-40	382	75
Age Count 41-65	716	75
Age Count > 65	257	75

	Yes	No	N/A
Low Income	226	615	202
Limited English Proficiency	25	859	80
Disability	131	757	77

Displacees and property owners chose not to respond to request for information: 534

## VII/ADA Reporting Information

Date: 09/10/2019 10:19:52AM

Dates: 08/22/2018 through 09/10/2019

### Acquisitions

	Sum of Count	Declined
Hispanics or Latinos	0	0
American Indian or Alaskan Natives	0	0
Asians	0	0
Blacks or African Americans	0	0
Native Hawaiians or Other Pacific Islanders	0	0
Whites	18	0
Females	10	0
Males	9	0
Multiracial or Other	1	0
Age Count =< 21	1	0
Age Count 22-40	0	0
Age Count 41-65	10	0
Age Count > 65	8	0

	Yes	No	N/A
Low Income	3	7	0
Limited English Proficiency	0	10	0
Disability	3	7	0

Displacees and property owners chose not to respond to request for information: 10

## LPA/MPO Division – Special Emphasis Program Area

<b>2020 Goals</b>	<b>Ownership</b>	<b>Status</b>
Improve consistency of communications regarding Title VI compliance between INDOT and its Subrecipients	Liaison, PARs, Program Manager	Ongoing - Identifying a district LPA staff liaison by Subrecipient Compliance Auditor. Collaborating with Interagency Relations and District Deputy Commissioners and Communications staff.
Continue to utilize ActionStep to monitor subrecipient compliance.	Liaison, PARs, Program Manager	Continuing - INDOT utilizes its new case management software, ActionStep, as the behind-the-scenes location to store and manage local records, and will be selecting one of the three portal vendors as the new user interface in early 2019.
Conduct subrecipient Compliance reviews of 2019 Community Crossing Grant recipients.	Title VI Subrecipient Compliance Auditor, Program Manager	Ongoing
Continue to develop and promote new resources, training opportunities and avenues for technical assistance	Title VI Subrecipient Compliance Auditor & Program Manager	Continuing/Ongoing

### 2019 Accomplishments:

In FFY 2016 INDOT launched its subrecipient monitoring program for LPAs, MPO, cities, towns and other Indiana communities who receive federal funding via INDOT. This subrecipient monitoring program is detailed in our Title VI Implementation Plan and includes:

- Annual self-certification of compliance by the subrecipient.
- Desk reviews of the annual certifications by INDOT.
- Training (several person sessions and an annual day-long summit) on the compliance requirements.
- Voluntary Compliance Agreement Plans (VCAPs) by Indiana communities who are deficient to certify their good faith efforts to resolve their deficiencies with Title VI (and ADA) requirements.
- “Tier Two” reviews of subrecipients who are likely to receive funding or have received funding based upon elevated risk criteria.

- Ongoing development of technical assistance tools, templates, and other resources to promote and facilitate compliance.
- Partnerships with other community organizations focused on improving compliance with nondiscrimination and accessibility requirements.

As a result of this implementation, in FFY 2016 INDOT performed an in-office review of 272 annual certifications of compliance made by Indiana communities in FFY 2015. An additional 12 communities requested feedback independent of this review process. As FFY 2016 was the first program year where LPAs were subjected to a compliance desk review, most communities had one or more deficiencies. INDOT submitted correspondence to every deficient community notifying them of their deficiencies and requesting they attend a training session and enter into a voluntary compliance agreement with INDOT in order to remain eligible to receive federal funding.

As of September 20, 2016, about 1/3 (32%) of those Indiana communities had entered into VCAPs with INDOT and were working to resolve their Title VI deficiencies. 76 communities were **in good faith compliance** with Title VI requirements, up from 14 who had some sort of nondiscrimination document that referenced Title VI in 2015.

120 communities had ADA currently completed Transition Plans verified by INDOT's desk review. In the past, INDOT relied solely upon the representations made by the communities. The remaining communities are making good faith efforts toward compliance. 87 submitted VCAPs and are working with INDOT to demonstrate their good faith efforts to resolve deficiencies in these program areas.

In 2017 INDOT made federal funding available for sidewalk-only projects to local communities. These Indiana communities were selected for a tier-two review of their compliance efforts in FFY 2017. This process has already commenced as INDOT held a web conference with the sidewalk grant applicants to provide basic Title VI training, go over INDOT's expectations, and to inform each community that telephone conferences would be held that fall, beginning in October, to provide specific feedback to each community regarding their program development progress and current policies and procedures.

In addition, over 400 communities applied for Community Crossing Grants, which were state funded. The application was amended to require applicants to provide contact information for both their Title VI and ADA Coordinators, as well as certification of compliance. The application window ran from July-August 2017. With over 400 applicants, reviewing these communities during the application period was challenging. While these were not federally funded grants, INDOT still ensured its programs did not result in discrimination. As such, the review of these applicants continued into the fall of 2018.

In 2019, 652 communities applied for Community Crossing Grants when the time came. Once the application process was closed, the LPA Division turned the applicant's information over to the Title VI department in order to confirm compliance with both Title VI and ADA. As of today, the reviews are ongoing and will continue until all applicants compliance efforts are accounted for.

In addition, INDOT compliance data has improved a great deal. The communication efforts between both divisions has drastically improved over the last year, and we will continue to stay on the same page when comes to providing assistance to LPA's trying to improve their compliance status.

Current compliance data for LPAs is as follows:



	2017	2018	2019
LPAs in INDOT's System	291	459	500
LPAs with ADA Plans	165	177	253
LPAs with Title VI Plans	124	142	215
ADA Compliant LPAs	113	115	157
Title VI Compliant LPAs	85	136	176
LPAs with both Title VI and ADA Plans	106	93	132
LPAs with VCAPS	91	119	104

#### **2020 Goals:**

In FFY 2019, there are 236 LPAs with fully compliant ADA & Title VI plans or with VCAPs meeting deadlines to achieve these requirements. This represents 81% of the number of LPAs in our system as of 2017. With the jump in LPAs applying for funding it is our goal to reach 81% compliance with all 500 LPAs over the next 3 years, increasing compliance in 10% increments each year overall.

In FFY 2020, INDOT will continue to work with the LPA division to promote better and consistent communication with our subrecipients regarding program compliance. We are still in the process of working to develop a submission portal with an existing or new vendor, so that the LPAs can upload their compliance documents to the portal for the Subrecipient Compliance Auditor to review and comment. This portal will replace the outdated certification survey. In addition, the compliance staff will increase their effort with those communities who have not submitted any compliance documents and have yet to enter into a voluntary compliance agreement with INDOT. This feedback will be used to develop new resources and to improve existing ones. INDOT'S Director of Interagency Relations will continue to collaborate with the Program Manager to include program requirements in the guide for doing business with INDOT being developed for small communities.

INDOT is still in the process of selectively reviewing those applications. Each application required the disclosure by the applicant communities, including identifying their Title VI coordinators and the certifying the existence of the Title VI plan documents. In addition, INDOT will continue to conduct intensive compliance reviews of communities in FFY 2020, since the LPA Division has opened up another "call for project" pertaining to Community Crossing Grants. The Subrecipient Compliance Auditor, along with the Program Manager, has begun the process of collecting data to ensure every community that has applied for the grant will be included in the compliance review. Once we've collected the necessary data, both parties will enter the information into our new case management system and run reports when needed to track our progress.

## **Contracts, Compliance and Prequalifications –**

<b>2020 Goals</b>	<b>Ownership</b>	<b>Status</b>
<b>Review 5% of certifying respondees to determine their level of compliance.</b>	<b>Liaisons, PARs</b>	<b>Ongoing</b>
<b>Provide technical assistance to those contractors and consultants who reported deficiencies</b>	<b>Subrecipient Compliance Auditor</b>	<b>Ongoing - Consultants and contractors who reported deficiencies on their prequalification forms will be provided technical resources to assist in resolving their deficiencies.</b>
<b>Review all subcontracts associated with 30 prime construction contracts (one for each area engineer) across the state for compliance.</b>	<b>Director, Legal, Liaison, Area Engineers</b>	<b>In October 2019, obtain and review all subcontracts associated with 30 prime construction contracts for compliance.</b>

### **2019 Accomplishments:**

In FFY 2016, the Division coordinated with INDOT Prequalification to develop and implement a certification of compliance with a Title VI hand out as part of the prequalification packet. The certifications were randomly reviewed by the Program Manager and monitored for accuracy.

In FFY 2019, we saw a drastic increase in the number of contractors/consultants who submitted certifications via the prequalification process; therefore, the division manager began creating a process [software] to better track the applicants. This new process will allow ActionStep to extract any/all information, which pertains to Title VI/ADA, once contractors/consultants upload their prequalification packet to the system. This software will not be available until sometime in 2020.

In addition, the Title VI team discussed how to best gather and evaluate data related to professional services contracts for Title VI implications.

### **2020 Goals:**

Division-wide training for this program area will now occur in late 2019 and early 2020. Also, we will continue to review updated professional service policies for Title VI implications.

Each district is providing subcontracts associated with one prime contract for each area engineer in our INDOT districts for review from October 2019 through December 2019. Data from these reviews will be included in our 2020 Accomplishments Report.

## Communications & Public Involvement –

<b>2020 Goals</b>	<b>Ownership</b>	<b>Status</b>
Continue to identify vital documents that require translation.	Liaison	Continuing
Work with the communications personnel and the Office of Public Involvement to make language services forms widely available on our internet and the Transportation Services Call Center (TSCC). The Program Manager will collaborate to ensure that the call center is compliant with Title VI Program requirements.	Liaison Program Manager	Continuing
Continue to utilize the public involvement surveys; and evaluate the effectiveness of these surveys and determine if there are better alternatives for capturing demographic data.	Customer Satisfaction Manager PAR	Ongoing
Continue to evaluate the level of compliance of INDOT's website and identify policy and content changes required to make the website compliant with Title VI requirements.	Website PAR Subrecipient Compliance Auditor	Ongoing

### 2019 Accomplishments:

In 2019, INDOT continued on course with implementing changes to our revised LEP plan by considering which documents were vital documents and should be translated per the safe harbor provisions. We worked diligently to ensure our translation request form was made available online and in person as required. Furthermore, as our technical resources were revised, we made sure our website content was upgraded. In addition, from March thru July 2019 a "public comment period" was opened for the public to review and leave comments regarding our Public Involvement Plan (PIP). The "review/comment" section could be found on our website located at <https://www.in.gov/indot/2366.htm>.

## 2020 Goals:

In 2020, INDOT will continue to ensure our translation request form is made available online and in person as required. We will continue to ensure staff in this division and the front line customer service staff at the District and Sub-district level are trained in Title VI. As our technical resources continue to be revised, we will make sure website content is upgraded during the process. INDOT'S Office of Public Involvement will increase collaboration with nondiscrimination program management to ensure equitable public involvement. The Program Manager will continue to collaborate with the call center to ensure it is compliant with Title VI and ADA program requirements at all times. As well as, continue to ensure the staff in this division and the front line customer service staff at the District and Sub-district level are trained in Title VI.

## Traffic: Engineering, Safety, Administration and Design

<b>2020 Goals</b>	<b>Ownership</b>	<b>Status</b>
<b>Continue to cooperatively work with traffic engineering in ensuring that INDOT and contractors consistently apply the criteria to determine the need for installation of Accessible Pedestrian Signal (APS)</b>	<b>Liaison and Program Manager</b>	<b>Ongoing. Recommendations regarding changes to current operating procedures manual is being reviewed by traffic engineering</b>
<b>Ensure copies of all APS studies are timely provided to the Program Manager</b>	<b>Liaison</b>	<b>In progress. It is now required that District Traffic Engineers provide the Program Manager with copies of all APS studies.</b>

## 2019 Accomplishments:

In 2016, INDOT revised its APS form to allow more room to review and discuss APS denials. The following year, we conducted a joint review with FHWA of the APS studies conducted to date and the data revealed inconsistencies in utilization of the policy. As a result, the Program Manager met with the Traffic Division and the TAC committee to begin revisions of the operations memo regarding the installation of APS and to identify strategic training and communications plans to adjust the program.

In FFY 2019, some of the districts were proactive and installed an APS at pedestrian intersections without conducting a study. However, we still ensured that all copies of APS studies were provided to the Program Manager and were able to revise all operation memorandums.

## 2020 Goals:

In 2019 we were able to change the survey, as outlined in our 2019 goals. However, the number of APS studies, from the traffic engineers in the district, that came across our desk started to decline. In FFY 2020, we will review our processes to ensure we are copies on all APS studies conducted, as well as continue to review the new protocols in order to determine its effectiveness. Many districts are reporting that they no longer use the APS study form as they install APS as a matter of course in all locations warranting a pedestrian signal.

## **Research and University Subrecipient Monitoring - Special Emphasis Program Area**

<b><u>2020 Goals</u></b>	<b><u>Ownership</u></b>	<b><u>Status</u></b>
<b>Provide technical assistance to Purdue University's Research Division as they consider how to monitor subrecipients of federal funds.</b>	<b>Program Manager &amp; Liaison</b>	<b>In progress</b>
<b>Evaluate the impact of the new submission protocols put in place in 2016</b>	<b>Liaison, Program Manager; Director of Interagency Relations</b>	<b>Ongoing</b>

### **2019 Accomplishments:**

In 2016 a compliance review of INDOT's Research Division and the JTRP (Joint Transportation Research Program) with Purdue University was conducted. INDOT reviewed Purdue University's ("Purdue") compliance with Title VI as well as its own program for deficiencies. As a result, INDOT acknowledged that Purdue is generally in compliance with Title VI, but that Purdue should develop a plan for monitoring its subrecipients of federal funds. INDOT's research liaison worked to develop ways to expand participation in research projects and to reduce the risk of discrimination by permitting and soliciting broader participation than "by invitation only" methods historically used. Changes to the program were made to facilitate open submission of research ideas and participation in the projects by those submitting the ideas.

In FFY 2019, to keep the momentum going, Purdue created several links giving researchers the ability to submit or view research ideas, check their statuses, as well as view the impact and/or return on investments of completed research projects. Through this process, a record number of submittals for research needs were received via internal and external entities. In addition, an annual INDOT Research Program Innovation Fair was conducted in the month of February, in which those within the academia and industry realm were invited to participate. The invitations were sent to accredited Indiana universities through the JTRP Office.

### **2020 Goals:**

In FFY 2020, training will again be provided to Purdue program area staff. We will discuss how the new changes are working and evaluate their effectiveness in reducing risks for discrimination and/or discriminatory impacts. INDOT will continue to provide technical assistance to Purdue as it monitor its subrecipients of federal funds. We will continue to evaluate this program area to determine whether discrimination may occur. In addition, the Director of Interagency Relations, along with the Program Manager, will conduct a progress report/review to determine how effective these changes have been in addressing FHWA concerns. Additional recommendations will be made as necessary.

## Talent Management

<b>2020 Goals</b>	<b>Ownership</b>	<b>Status</b>
<b>Ensure Title VI training is conducted at the INDOT new employee onboarding bi-monthly sessions</b>	<b>Subrecipient Compliance Auditor and Talent Management Liaison</b>	<b>Ongoing</b>
<b>Ensure INDOT University is administered in a nondiscriminatory fashion.</b>	<b>Liaison Program Manager Director of Interagency Relations</b>	<b>Ongoing</b>
<b>Collaborate with INDOT University to provide certification training for Title VI and ADA coordinator in conjunction with the Coordinators' association and Association of Indiana Municipalities (AIM).</b>	<b>Program Manager</b>	<b>Commencing fall 2018</b>

### 2019 Accomplishments:

In FFY 2016, Talent Management coordinated with Title VI program to provide numerous training opportunities to INDOT employees and to facilitate the registration process for our external Title VI and ADA training including development of an online training course for INDOT employees developed in conjunction with Ivy Tech University. Talent Management assisted in the development of training materials and reviewed the INDOT University contract for discrimination.

In addition, the Title VI program collaborated with Talent Management to ensure Title VI training was conducted during the onboarding training sessions for new employees. Each session takes place twice a month and gives an overview of both Title VI and ADA. Feedback from participants has been good; therefore, it has been determined this form of training for new employees will continue.

### 2020 Goals

In FFY 2020, the Talent Management division will continue to work with the Program Manager to ensure Title VI is a material part of new hire training and to support our efforts at regular training for INDOT employees. We will also continue to evaluate our external training programs for discrimination. In addition, INDOT will continue to collaborate with the ADA Coordinator's Association to develop certification training for Title VI coordinators at the local level.

In FFY 2020, the Talent Management division is working with program staff to record online training courses for both Title VI and ADA programs.

## **Operations & Maintenance (includes Facilities & Fleet)**

<b><u>2020 Goals</u></b>	<b><u>Ownership</u></b>	<b><u>Status</u></b>
<b>Evaluate maintenance practices &amp; policies for potential discrimination.</b>	<b>Liaison</b>	<b>Ongoing</b>
<b>Ensure adequate training of Title VI requirements</b>	<b>Liaison, jointly with Contracts Division Professional Services Liaison.</b>	<b>Ongoing</b>

### **2019 Accomplishments:**

In 2016 Operations and Maintenance assisted the Program Manager in providing Title VI training to our subdistrict staff to ensure the reception and administrative staff in each subdistrict are aware of our Title VI policies and procedures. We discussed Title VI implications in this program area and determined that the contractors and consultants could be evaluated when we evaluate opportunities to do business with INDOT for discrimination.

In 2018 we continued to train the PARS and ensured that our subdistrict programs and facilities readily understood and could generally recite Title VI and ADA program basics.

In FFY 2019, the maintenance department noticed an increase in homeless encampments in the ROW, as well as under highway structures. Therefore, the director of maintenance was tasked with working on a policy that details uniformity when dealing with this particular issue and to highlight the importance of safety when it comes to the homeless encampments. In addition, a GIS map layer is in the process of being created to track INDOT encounters with the homeless or evidence of encampments.

### **2020 Goals:**

In FFY 2020, we will continue to focus on creating and implementing the policy, in addition to gathering data for the GIS layer when it pertains to tracking our encounters with the homeless. The Program Manager will meet with the maintenance department liaison on a quarterly basis to gather updated data to input into our plan. Also, we will continue to work to ensure each subdistrict administrative staff is trained in Title VI and that the required resources are available at each facility. We will continue to work with the professional services division to evaluate the opportunities to do business with INDOT for discrimination.

## Design

<u>2020 Goals</u>	<u>Ownership</u>	<u>Status</u>
Track 10% of responses to requests for technical inquiries for adherence to the technical advice given. Continue to ensure design standards and committee decisions do not result in discrimination and adopt remediation measures if necessary.	Liaison, PARs	Ongoing
Ensure updated ADA technical training is provided to all requisite employees	Liaison, PARs, Program Manager	Ongoing. Widespread effort ensured that most district staff received technical training in 2017. Additional follow-up training will be provided in 2018 and 2019 to those employees who missed the opportunity in 2017.

### 2019 Accomplishments:

In FFY 2016 we modified our design standards to be in line with the Pedestrian Right Of Way Accessibility Guidelines ("PROWAG"). By putting this standard in place for the first time it has revealed common design challenges to be addressed through ADA Technical Training sessions. This practice change was an effort to mitigate construction of pedestrian barriers inadvertently caused by drifting between PROWAG and Americans with Disability Act Accessibility Guidelines ("ADAAG") in our project designs. Training was provided on these standards during Road School held March 6 through 8, 2017, and the new standard drawings and guidelines made it less likely that construction projects would be designed to the maximum threshold and therefore constructed in a manner that was noncompliant and could result in discrimination.

Training was provided in person in 2017 to the design staff on Title VI. The liaison and PARs for this program area continued to make Title VI a topic of discussion during team meetings. In addition, the Program Manager tracked at least 10% of its responses to requests for technical inquiries in FFY 2018.

### 2020 Goals:

Members of the design team will continue to assist the program manager and division staff in providing ADA technical training to INDOT employees with an annual focus on work zone safety and mobility and use of the collector application. New staff will continue to need basic ADA standards training. Online training modules have been developed and will be deployed this fall, however, at least two in person trainings will be offered, and likely more as we are often invited to speak at the district construction conferences.



The design division will continue to enter data and assist with evaluating information entered in the collector application as well as ActionStep. Audits of as-built projects will be conducted to ensure that what was built compliance with what was approved.

For Title VI, the program manager will work with the design division to ensure that policies for installation of sound barriers and similar items are facially neutral and that the data indicates these decisions are not made in a manner that is discriminator and do not result in discriminatory outcomes.

#### **Environmental Services Division (includes Scoping & Planning)**

<b><u>2020 Goals</u></b>	<b><u>Ownership</u></b>	<b><u>Status</u></b>
<b>Continue to expand the awareness and analysis of environmental justice issues beyond the NEPA process and into the scoping and planning stages of a project and ensure EJ awareness and monitoring continues throughout the entirety of each project</b>	<b>Liaison, PARs</b>	<b>Ongoing - EJ is being included in other division's trainings.</b>

#### **2019 Accomplishments:**

In 2016 the Environmental Services Division (INDOT-ESD) worked with the Program Manager to determine how to best maintain records of environmental studies. The best possible solution was to create a Milestones Work Product entry. Milestones is a database that INDOT-ESD uses to track various work products such as Noise Studies, NEPA documents, etc. INDOT-ESD will tracked projects that required an EJ analysis through this database by Milestones entry. Therefore, INDOT-ESD was able to provide data as needed or requested

In addition, the Program Manager received copies of all environmental studies and participated in discussions when an EJ population was identified, provided feedback and input throughout the outreach and mitigation process. The ESD supported the Program Manager's efforts to ensure that the scope of Environmental Justice was more broadly understood and implemented at the agency level.

As a result of this new level of engagement, the Program Manager was involved in more discussions related to specific EJ issues and analysis as they related to INDOT and local projects, such as I-69 through Martinsville and several other key projects that the Division staff participated in.

There were 841 projects that were analyzed during this time period (Approved NEPA documents from July 1, 2018 to June 30, 2019) for Environmental Justice analysis. Below is a table representing the level of analysis conducted for projects during the reporting period.

NEPA Document s	Total Project s	No EJ Analysis s	Analysis, No EJ Population s	Analysis, EJ Populations, No Disproportionately High and Adverse Impact	Analysis, EJ Populations, Impact Minimized/Avoided	Analysis, EJ Populations, Impact Mitigation
PCE	455	455	N/A	N/A	N/A	N/A
CE-1	301	301	N/A	N/A	N/A	N/A
CE-2	44	18	18	8	0	0
CE-3	15	12	2	1	0	0
CE-4	24	17	4	3	1*	0
EA	2	0	1	0	1	0
EIS	0	0	0	0	0	0

\*Wilden Avenue, city of Goshen, Des. No. 1400715, was a CE Level 4 (approved 4-30-19) but not included in the excel spreadsheet initially as not closed out in our tracking. However is added to the totals here.

The types of NEPA documents are more involved as the table descends, thus more analysis is required for each type of report. For PCE and CE-1 reports, no analysis is required as there are minimal impacts associated with the projects. There were two projects during the reporting period that required or had completed in-depth analysis (Worthsville Road and Wilden Avenue). Please note three active projects (Sherman Minton Renewal in New Albany, Ohio River Crossing (ORX), and North Split I-70/I-65 in Indianapolis) are currently being assessed as part of the NEPA process and have had several public meetings including specific community advisory committee (CAC) meetings and specific environmental justice meetings.

## 2020 Goals:

This division will continue to ensure that its staff is trained in Title VI requirements and we will continue to evaluate the effectiveness of the newly-adopted procedures to expand and monitor environmental justice issues at INDOT. Record-keeping has greatly improved and the division is poised for a review of its studies in FFY 2019.

INDOT provides EJ discussion and information in our NEPA trainings that is attended by NEPA practitioners as well as agencies, MPOs, etc.

There has been a focus in the early stages of project development to discuss public outreach, issues that may occur, and EJ concerns prior to NEPA being initiated. Overall, we are identifying these early for the major projects and there is more focus on this engagement. For projects that do require additional outreach, additional meetings and discussions do occur to ensure that engagement continues through entirety of the project.

## **DISTRICT OFFICES**

District offices do not have district specific tasks identified but rather participate in the agency-wide goals and program-related goals as they apply to each District's operations. Teams have been identified and all Districts' Liaisons and PARs have received training. The general tasks for all program areas will be applied to the Districts to ensure sufficient implementation of Title VI requirements.

In 2020, the Program Manager will continue to provide more training opportunities in each district and ensure remote attendance is possible for subdistrict employees. The Program Manager aims to visit each district during the year to address both Title VI and ADA program issues and to provide training and to answer questions. This will foster relationships between District staff and Central Office program staff as it relates to Title VI program goals and objectives and ensure that the districts are in compliance with Title VI program policies and practices.

## **INTEGRATED PROGRAMS COMPLIANCE SUMMARY**

Integrated Program accomplishment discussions are appropriate for related requirements that fall under the Title VI "umbrella." These integrated program discussions include:

- Limited English Proficiency
- Accessibility Programs
- Public Involvement

## **LIMITED ENGLISH PROFICIENCY AND LANGUAGE SERVICES**

INDOT received several requests for language services in 2016. Since 2016 we have received few or no requests (no formal requests) for language services, though we continue to identify and translate vital documents. The 2016 requests were in relation to INDOT's I-69 project and documents were translated into Spanish and Burmese to accommodate those requests. INDOT has trained many of its front-line individuals (those who answer phones, staff customer service areas, and sit at reception desks) in tracking and responding to requests for language services.

While INDOT receives few requests, it has revised its LEP plan to adopt the safe harbor requirements and now translates all vital documents into another language when 5% or 1,000 people in an identified community do not speak English very well and speak a specific different yet have same language in common. INDOT also maintains a documents translation request form in key identified languages to ensure that individuals who do not speak English can make effective reasonable requests for translation. This information is posted on INDOT's website. <http://www.in.gov/indot/files/Translation%20Request%20Form.doc>.

If INDOT identifies a translation of documents presented during public meetings will likely be needed, INDOT has already taken steps to translate those materials in advance of the meetings, even in instances where there has not been a direct request.

The Program Manager will ensure that language services or LEP training is included for the upcoming INDOT the call center or TSCC.

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## **ACCESSIBILITY PROGRAMS**

In 2018 INDOT updated its ADA Transition Plan, Over 60 employees at INDOT from many divisions were involved in completing the ADA asset inventory and prioritization schedule. 7500+ intersections were included in the inventory with 5 million dollars budgeted for ADA remediation starting in 2016. The ADA Transition Plan was submitted to FHWA and is posted online and made publically available.

Now that INDOT is programming ADA-specific projects, it is ensuring that these projects will be constructed appropriately by providing agency-wide ADA technical training which began in FFY 2016 and continued throughout FFY 2019. The new design standards have been put into effect and made available. Also, some web-based and in person training related to these standards has already occurred. Comprehensive online training is being recorded and will be launched in FFY 2020. Program Staff regularly meets with Technical and Capital Programs to monitor the progress of the implementation of our ADA Transition Plan.

## PUBLIC INVOLVEMENT

The number of public involvement surveys received for FFY 2019 was average. The number of surveys completed in FFY 2018 was 46 and in FFY 2019 it was 103. This survey is available in Spanish, German and Burmese.

### CATEGORY REPRESENTATION

Gender: 87 male (84%); 10 female (10%); 6 unknown (6%)

Ethnicity: 1 Hispanic or Latino (1%)  
38 Not Hispanic or Latino (37%)

Race: 2 Black or African American (2%)  
2 Native American (2%)  
7 Asian/Pacific Islander (7%)  
0 Multi-racial (0%)  
86 White (83%)

Age: 2 -- 1 -- 21 years (2%)  
48 -- 22- 40 years (47%)  
49 -- 41- 65 years (48%)  
0 -- +65 years (0%)

Disability: 0 represented having a disability (0%)

Income: 1 represented income level of \$0 - \$12,000 (1%)  
3 represented income level of \$12,001 - \$24,000 (3%);  
3 represented income level of \$24,001 - \$36,000 (3%);  
13 represented income level of \$36,001 - \$48,000 (13%);  
28 represented income level of \$48,001- \$60,000 (27%); and  
50 represented income level at or above \$60,001 (49%)  
100% reported income level.

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## **PUBLIC MEETINGS/HEARINGS HELD FROM JULY 2018 TO JUNE 2019**

The Office of Public Involvement reports for FFY 2019 that the number of attendees (based upon sign-in attendance sheets) at either a public hearing, public meeting and/or open house was 2,119. A public hearing is a formal proceeding occurring during a project decision-making point and is held during the environmental analysis phase of a project's development, wherein the proposed action is evaluated to determine the level of impact the action may have on the community, social-economic and natural environments. There is a formal presentation made by INDOT staff and a session to accept public comment and testimony. A public meeting is held at any time and at INDOT's sole discretion. It is generally held to inform the public of an INDOT action and held in the best of interest of the community in which an INDOT project is planned.

During FY 2019, 16 public information meetings/open houses and 17 public hearings were held. Additional outreach by the Program Director was made to solicit participation from Minority Persons and Persons with Disabilities throughout the state for these meetings by sending direct emails with personal invitation to the leadership of advocacy and representative agencies across the state.

### **July 2018**

- No meetings or hearings held

### **August 2018**

- 8/1/18 U.S. 20 at S.R. 2 New Interchange, LaPorte County (public hearing) 110 persons attended
- 8/2/18 U.S. 41 Roadway Improvement in Town of St. John, Lake County (public hearing) 29 persons attended
- 8/16/18 S.R. 135 Roadway Improvements in Morgantown in Morgan County (public hearing) 57 persons attended
- 8/29/18 U.S. 6 at S.R. 13 intersection improvement project in Elkhart County, (public hearing) 86 persons attended

### **September 2018**

- No public hearings or meetings held

### **October 2018**

- 10/18/18 S.R. 46 Roadway improvements near Batesville, Franklin and Ripley Counties (public hearing) 73 persons attended
- 10/24/18 U.S. 6 at S.R. 2 intersection improvement project in LaPorte County (public hearing) 89 persons attended

**November 2018**

- 11/14/18 U.S. 41 Roadway improvement with intersection improvement in Oaktown, Knox County (public hearing) 90 persons attended

**December 2018**

- 12/17/18 I-465 at I-69 Added Travel Lanes with Intersection Improvement "Project Clear Path" in Indianapolis, Marion County (public information meeting) 157 persons attended

**January 2019**

- 1/7/19 I-69 Ohio River Crossing public hearing in Evansville, 105 persons attended
- 1/8/19 I-69 Ohio River Crossing public hearing in Henderson, KY, public hearing held, 257 persons attended
- 1/8/19 U.S. 41 Roadway Improvements in Knox County public hearing, 67 persons attended
- 1/16/19 S.R. 261 intersection improvement project in Newburgh, (public information meeting) Warrick County, 49 persons attended

**February 2019**

- No public hearings or meetings held

**March 2019**

- 3/12/19 I-69 Section 6 public information meeting held in Martinsville, Morgan County, 117 persons attended
- 3/20/19 U.S 24 at C.R. 600 East intersection improvement project in the city of Wabash, Wabash County, (public hearing) 103 persons attended
- 3/27/19 Statewide Transportation Improvement Program public open house in Indianapolis, Marion County, 17 person attended

**April 2019**

- 4/4/19 Statewide Transportation Improvement Program public open house in Winchester, Randolph County, 19 persons attended
- 4/10/19 Statewide Transportation Improvement Program public open house in Fort Wayne, Allen County, 22 persons attended
- 4/11/19 Statewide Transportation Improvement Program public open house in Rochester, Fulton County, 20 persons attended

- 4/16/19 S.R. 332 at C.R. 600 West intersection improvement in Yorktown, Delaware County (public hearing) 87 persons attended
- 4/23/19 I-65 new interchange projects near Whitestown, Boone County (public hearing), 32 persons attended
- 4/24/19 Statewide Transportation Improvement Program public open house in Evansville, Vanderburgh County, 12 persons attended
- 4/25/19 Statewide Transportation Improvement Program public open house in Paoli, Orange County, 3 persons attended
- 4/30/19 Statewide Transportation Improvement Program public open house in Clinton, Vermillion County, 10 persons attended

### **May 2019**

- 5/1/19 Statewide Transportation Improvement Program public open house in Nappanee, Elkhart County, 15 persons attended
- 5/8/19 Statewide Transportation Improvement Program public open house in Hammond, Lake County, 23 persons attended
- 5/9/19 Statewide Transportation Improvement Program public open house in Lafayette, Tippecanoe County, 21 persons attended
- 5/13/19 S.R. 2 at Heavilin Road intersection improvement project in Valparaiso, Porter County, (public hearing) 69 persons attended
- 5/15/19 Statewide Transportation Improvement Program public open house in Columbus, Bartholomew County, 63 persons attended
- 5/16/19 Statewide Transportation Improvement Program public open house in Lawrenceburg, Dearborn County, 23 persons attended
- 5/22/19 S.R. 64 Roadway improvement project in the Town of Francisco, (public hearing) Gibson County, 74 persons attended
- 5/29/19 S.R. 46 at S.R. 11 new interchange project in Columbus, (public hearing) Bartholomew County, 61 persons attended

### **June 2019**

- 6/6/19 S.R. 26 Road Rehabilitation Project in Clinton County (public hearing), 117 persons attended
- 6/13/19 S.R. 42 Roadway improvement project (public information meeting) in Mooresville, Morgan County, 42 persons attended



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## **SPECIAL EMPHASIS PROGRAM AREAS**

Additional information is included in this report to demonstrate the work accomplished and goals identified for INDOT's Special Emphasis Program areas. Since the LPA division was a Special Emphasis area in at least one prior year, both goals and accomplishments will be reflected as part of this discussion. The Research Division was a Special Emphasis Program area from 2014 to 2016 and was identified as such during the FHWA review period.

Special Emphasis Program areas will include, in addition to the above tasks:

- Working with the Program Manager to develop a targeted annual action plan that addresses the objectives identified for the program area in light of the Title VI implications that make this program area an area of special emphasis. These would include:
  - Conducting discriminatory impact analysis
  - Reviewing and potentially revising policies and procedures that may result in discriminatory outcomes, and
  - Addressing trends or patterns of discrimination identified during a review of the program area.
- Identification and training of a sufficient number of PARs to accomplish the tasks identified in the action plan
- Work with attorneys and/or investigators, who, in addition to the Program Manager, may review policies, practices, data, or other documents to determine whether or not discrimination has occurred, or is likely to occur as a result of the program area and adopt and implement mitigation procedures designed to remedy and address all identified issues.

The goal of identifying Special Emphasis Program areas is to ensure sufficient monitoring of high-risk programs and to track those areas where there exists a material deficiency or discriminatory practice that requires resolution and reporting.

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## **LPA DIVISION ACTION PLAN & ACCOMPLISHMENTS**

Starting in 2015 the LPA Division received division-specific Title VI training and met on several occasions to discuss, develop and implement new subrecipient monitoring procedures to ensure compliance with Title VI requirements. These meetings resulted in the development of new subrecipient monitoring procedures included in the 2015-16 Title VI Implementation Plan. In addition, a Title VI Resource toolkit was developed to assist subrecipients with their compliance efforts and additional targeted training and outreach opportunities were identified. [http://www.in.gov/indot/files/Subrecipient Technical Assistance 2016 Version 2.pdf](http://www.in.gov/indot/files/Subrecipient%20Technical%20Assistance%202016%20Version%202.pdf). This information is reflected in the training summary portion of this report at pp. 35-36.

In FFY 2016 the LPA division followed its newly implemented procedures and reviewed in-house over 300 Indiana communities. Technical assistance was provide in several forms: an all-day training summit, multiple in-person and online training opportunities, and the development of resources and templates, including a new Title VI Implementation Plan Template. <http://www.in.gov/indot/files/Title%20VI%20Implementation%20Plan%20Template.doc>.

INDOT surpassed its goal to conduct four "Tier Two" compliance reviews and conducted those reviews with ten sidewalk grant applicants and six current and previous Stellar Grant recipients, as well as coaching key communities impacted by the I-69 project toward compliance.

In FFY 2017 INDOT overhauled its website and developed a separate page for each type of subrecipient. All technical resources were uploaded and training opportunities, as well as office hours were made virtually available. In addition, CAWG meetings were coordinated with LPA training days and coordinator association meetings and the summit was expanded to two days. As a result hundreds of additional LPAs were connected to outreach opportunities, though the virtual office hours were never utilized and abandoned in FFY 2018.

Title VI and ADA information was included on the community crossings grant application and over 400 communities applied. Those communities were evaluated in FFY 2017 and continued to be evaluated in FFY 2018. Subrecipient data was migrated into our case management system, ActionStep, in 2018 and a new front end portal for both submission and training was being created on Talent Management's new INDOT University Platform for FFY 2019; however, the project has been pushed back to FFY 2020.

In FFY 2019, we met with the LPA division to strategize on how to bridge the gap between our monitoring efforts and their community grant process. We decided it would be a good idea to step in on the front end of the application process, by reviewing the applications as soon as they come in so we can reach out to communities to walk them through the compliance process. The director of the LPA division gave us a list of the communities currently in their database (600+) so the subrecipient compliance auditor can start the review process. This process has started and will continue through FFY 2020.

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## **RESEARCH DIVISION COMPLIANCE REVIEW**

In 2014, a review of INDOT's Title VI Program by FHWA identified several areas for a focused review. INDOT's research program and the Title VI compliance of its primary research partner, Purdue University, were two of those areas identified for review. Purdue University was identified because it is a subrecipient of federal funds. Several Title VI implications were identified for review:

- INDOT is required to monitor Purdue University for Title VI Compliance as a subrecipient of federal funds.
- The research program creates opportunities to do business with INDOT / Purdue University and INDOT should review whether program participation and the solicitation for participation is broad enough to ensure discrimination does not result.
- INDOT needed to provide training to program staff and establish a liaison network within the program area to address any Title VI concerns which might arise.

### **The Review Process**

The initial meeting to discuss the Title VI compliance review for Purdue and INDOT Research Division/Joint Transportation Research Program (JTRP) took place August 18, 2015 via teleconference with INDOT and Purdue's representatives attending. During that meeting INDOT Title VI program management discussed INDOT's agreement to conduct a compliance review of the program area(s) as part of its VCAP with FHWA.

Prior to meeting with individual representative for each part of the program area(s), it was determined that INDOT's Program Manager would provide an overview of the Title VI requirements and Title VI Training to JTRP staff during a JTRP board meeting.

A follow up conference occurred on October 15, 2015, whereby it was decided INDOT's Program Manager would present training materials and conduct a Title VI discussion during the JTRP Board meeting on November 4, 2016. During the conference INDOT Program Manager communicated the importance of Title VI being part of program area meeting agendas to afford employees the opportunity to raise and discuss Title VI concerns and ensure general awareness of Title VI requirements.

On October 9, 2015, INDOT Title VI Program management discussed Title VI requirements with Debbie Horton, the JTRP representative participating in INDOT's review. Ms. Horton identified Alyssa Christmas-Rollock as Purdue's Title VI Coordinator and INDOT drafted and submitted its compliance review notice to Ms. Rollock.

During the program area training session, the Program Manager discussed the requirements of Title VI compliance, specifically those related to the program which included:

- Training and awareness of all INDOT / Purdue University Title VI Policies
- Fairly extending/advertising and otherwise promoting the opportunity to do business with INDOT/Purdue University as related to the JTRP/Research Program Area.
- Monitoring any further subrecipients of federal funds.

Additionally, INDOT's Program Manager traveled to Purdue to meet with Ms. Horton, JTRP Managing Director, to understand and evaluate the JTRP Program. During that meeting and upon a review of the materials presented in response to INDOT's notice of compliance review by Purdue, it was determined that INDOT is primarily responsible for selection of universities and others who will conduct research and participate in research projects and, since the contracts themselves are between Purdue University and subrecipients, Purdue is primarily responsible for monitoring subrecipients for compliance with Title VI.

### **Discussion and Review**

Purdue provided documentation and links to documentation as part of its response to INDOT's notice of compliance review that demonstrated the following:

- It has a Title VI Program Coordinator identified by name who has received and conducts nondiscrimination (and accessibility training) for Purdue University employees.
- It has a nondiscrimination policy and complaint policy and forms, though no Title VI complaints have been received.
- The assurances of nondiscrimination were signed as part of the agreement between INDOT and the University ("The JTRP Executed Agreement" dated 2013)

Purdue has not monitored subrecipients of federal funds for compliance with Title VI, although the assurances themselves are part of the agreements. Typically, there are only a handful of active contracts. As part of this review it was communicated to the Purdue JTRP program staff that this is a deficiency and Purdue is responsible for monitoring subrecipients for compliance.

INDOT will continue to provide:

- Annual Title VI training opportunities specific to the JTRP program practices and policies; and

- The Program Manager and the Director of Interagency and Compliance will communicate quarterly with program area liaisons from INDOT and Purdue University regarding Title VI issues.

In addition, discussions with INDOT/JTRP Research Program staff resulted in an expansion of the opportunities to do business with INDOT by further opening the door to and promoting a broader spectrum of participation in INDOT Research activities.

INDOT's Research Program, prior to 2016 changes, conducted business primarily as follows:

- Research needs and/or ideas could be submitted by anyone (INDOT, a university, or member of the public) but this was not as broadly advertised as it is now with a submission link on INDOT's website.
- INDOT is responsible for identifying research needs (or acknowledging a submitted research idea as fitting a need). As part of this process, brainstorming groups were invited by INDOT. Now INDOT has moved toward a peer group approach whereby liaisons are created for the purposes of needs identification and anyone can submit an idea and participate in the process. INDOT retains the responsibility of prioritizing research needs
- Once a need is identified, a principal investigator is identified, which is often the source of the idea, who would then submit a proposal to the JTRP Executive Committee. If a need is identified by an institution or individual without sufficient expertise or resources, a co-principal investigator may be identified, which would allow the institution submitting the need or idea to remain a principal investigator and participate in the research. INDOT, Purdue and FHWA work together as part of this process. A Study Advisory Committee (SAC) is often formed to help flesh out the ideas submitted as proposals.

The following changes have already been implemented to promote broader (less "by invitation only" participation opportunities) and, where invitations to participate are warranted, the invitations themselves have been expanded. INDOT will continue to monitor how the following changes impact Title VI program objectives during the FFY 2018.

The following are the recent Title VI-related changes to the INDOT /JTRP Research Program INDOT has implemented in calendar year 2016:

- INDOT extended broader invitations to the "poster sessions":
  - A poster session is an opportunity for students, staff and faculty from a number of educational institutions to engage directly with INDOT personnel from across the state on a wide variety of transportation-related topics.
  - For the February Poster Session, INDOT invited 8 university civil engineering department heads from a broader spectrum of Indiana universities and 5 universities ultimately participated.
- INDOT's Research Division worked together with INDOT's Office of Communications to:
  - Post peer group liaison contact information or a designated contact for submission of research ideas /needs on INDOT website; and
  - Post identified research needs and contact person on the INDOT website for accredited Indiana colleges and university faculty to broaden program awareness and/or potential involvement for those with subject matter expertise.

- These changes make it easier for anyone with interest to contact INDOT's Research Division directly. Several conference calls have already occurred resulting in program participation from a broader spectrum of qualified participants.
  - These changes benefit the research program by broadening the scope and thus, the potential, for submission of research proposals. A link for "Submission of Research Ideas" has been added to INDOT's webpage: <https://app.smartsheet.com/b/form?EQBCT=35c82d4533f6458c8877c2ba03dedcca>.
  - The link also supports identification of innovation and research needs and ideas. This allows external faculty and others to view identified research needs and their status. The project information will be updated periodically. Interested researchers can contact the Research Division for follow-up information about a project or potential participation.
- The annual revision of the program areas' users manual will incorporate these processes and include Title VI information.
  - Title VI continues to be an agenda item at JTRP board meetings and INDOT's Program Manager will continue to attend at least one meeting annually to address Title VI issues and provide training to board members.

### **Outcomes**

As a result of its Title VI review of the INDOT/JTRP Research Program, as well as a review of Purdue University's Title VI compliance as it relates to the aforementioned program areas, INDOT was able to determine the following:

- Sufficient modifications to the program are in place to ensure INDOT does not discriminate in its selection of research program participants.
- Sufficient training and Title VI awareness protocols are in place to ensure Purdue and INDOT staff receive Title VI training annually and are made aware of Title VI policies and requirements, as well as regularly afforded the opportunity to discuss Title VI issues and/or concerns.
- Purdue/JTRP are generally in compliance with Title VI requirements, deficient only in that they have not engaged in subrecipient monitoring as it relates to JTRP contracts. The JTRP program is working to resolve this deficiency in moving forward as it determines how best to engage in subrecipient monitoring. INDOT will follow up with the program liaisons in FFY2016 to ensure good faith efforts are being made to address this deficiency.

The following are the recent Title VI-related changes to the Research Program implemented in calendar year 2019:

A significant effort has been made to accommodate all accredited Indiana universities in the research program and increase awareness. INDOT Research Program has made continuous Title VI improvement in the last 3 fiscal years:

- The public link (<https://www.in.gov/indot/2404.htm>) has 4 sub links:

- [Submission of Research Ideas to INDOT](#)
- [Innovation and Research Needs & Ideas](#)
- [Research Program IMPACT Report](#)
- [INDOT Research Program Return on Investment](#)

These links have been created to provide all researchers the ability to submit research ideas, view identified research needs & ideas and their status, and view the impact and return on investment of completed research projects based on their ideas. Information is updated periodically (monthly for the status and annually for the impact). Viewers can also contact R&D for follow-up information about a project or potential participation. The INDOT JTRP Program Director and his contact information is listed as the liaison contact. Numerous submittals were received from external faculty and a record number of submittals of research needs were received (226 research needs submitted for the FY 2020 Research Program).

- An Annual INDOT Research Program Innovation Fair is conducted in the month of February. Academia and Industry are invited to participate in the Fair. The invitation is sent to accredited Indiana universities through the JTRP Office. INDOT Office of Communications provides assistance in advertising the fair.
- Seven Research Focus Groups were used to identify and prioritize research needs and ideas for programming. Focus groups consist of subject matter experts from INDOT, Academia and Industry. The invitation to participate is sent to accredited Indiana universities through the JTRP Office. A list of those registrants for FY 2020 program is attached. This list include only registrants, not all participants. As noted, multiple universities chose to participate in the Focus Group process.
- The Research & Innovation User's Manual for Research and Innovation includes these processes and a Title VI reference. This manual is revised annually.
- The makeup of the Joint Transportation Research Program (JTRP) Executive Committee/Board has been reorganized to include Faculty outside of the Civil Engineering Department of Purdue University. This currently includes faculty from IUPUI.

The JTRP Office generally serves as the liaison with accredited Indiana universities in project awards, tracking projects, subcontracting, etc.

In FFY 2020, INDOT will follow up to evaluate how well the processes are achieving Title VI goals.

## **SUBRECIPIENT COMPLIANCE MONITORING**

This program area was part of the Special Emphasis Program area in 2015-16. New processes were implemented to greatly improve our subrecipient compliance monitoring efforts. The results are detailed on pages 13-15 of this report and summarized in this section.

### **Contractor compliance reviews:**

In FFY 2018, Title VI certification was made part of the prequalification process. Hundreds of contractors and consultants responded and over a hundred took part in virtual training opportunities. In FFY 2019, we continued to see a surge in the number of contractors and consultants who took part in our virtual training program; therefore, we will continue to provide virtual training due to the success of the program. We will continue to review the certifications we received for compliance in FFY 2020.

### **LPA compliance reviews:**

Nearly 400 Indiana Communities who are or who are likely to become subrecipients of federal funds have been reviewed to determine the level of compliance with Title VI requirements. Common deficiencies include failure to include Title VI information on the LPAs website or make it otherwise publically available and failure to develop a Title VI implementation plan. More than half of these LPAs have now entered into Voluntary Compliance Agreement Plans (VCAP) with INDOT or are in the process of entering into agreements to resolve their deficiencies.

During FFY 2018, INDOT followed up with those communities who failed to adequately respond to our requests to resolve deficiencies. We conducted second-tier reviews of those communities who have specifically applied for sidewalk funding or were awarded a Community Crossing Grant.

Most LPAs who have been under monitoring 2 or more years now have a Title VI Implementation Plan, nondiscrimination assurances, complaint policy and log. Based upon the preliminary results, most of the LPAs reviewed have already received and responded to our notice for deficiency in one or more program areas. However, we are still in the process of identifying communities which are still noncompliant when it comes to having a Title VI Implementation Plan. In FFY 2020, our main objective will be to focus on helping those communities with numerous deficiencies come into compliance. The LPA division has agreed to give us a copy of all grant applications once they've been submitted, giving us the opportunity to connect with deficient communities in the beginning of the process. By doing so, the compliance division will be able to reach several communities who have flown under the radar when it comes to complying with Title VI/ADA, simply due to lack of transparency. Going into FFY 2020, the LPA division has agreed to increased communication with our department.

This should help us meet our goal of achieving over 80% compliance with newly-monitored LPAs / grant applicants over the next three years by increasing compliance 10% per year with these communities.

Additional day-long training summits, online training opportunities, and shorter in person seminars are being implemented in FFY 2020 to continue coaching our Indiana communities toward compliance and meeting our own subrecipient monitoring objectives.

## TITLE VI TRAINING

Since 2014, INDOT has trained over 800 employees and 1,000 subrecipients, providing training related to policy implementation and compliance as well as technical ADA training. In FFY 2020, INDOT will be making all of its training available on an online platform, while still providing strategic in person training opportunities throughout the year.

## COMPLAINTS OF DISCRIMINATION

INDOT will submit all complaints to FHWA within ten (10) days. INDOT's complaint process provides a procedure for appeal of all unsubstantiated claims of discrimination. INDOT maintains a complaint log for three (3) years of all complaints received.

### SUMMARY OF COMPLAINT ACTIVITY IN FFY 2019

INDOT did not receive any Title VI complaints during the reporting period of FFY 2019. INDOT will continue to gather complaint as they are submitted and forward them over to FHWA within the ten (10) day time frame allotted.

## STATE TRANSPORTATION DIRECTIVES

INDOT is committed to reviewing all policies and directives that may implicate Title VI deficiencies. INDOT's directives may be found on its website at <https://www.in.gov/indot/div/mt/directives/directives.htm>. In 2019-20 INDOT's Legal Division will continue to review all current directives for Title VI Implications / discrimination and consult with the program manager primarily responsible for implementing the directive to address any concerns. These findings are included below.

Directive No.	Title	Date Revised	Reviewed for 2019 By
<b>100</b>	<b>General Materials Management Administration</b>		
101	Sample Submittal of Office of Materials Management	12/1/06	KMR
102	Expediting Testing of Samples	12/1/06	KMR
103	Office of Materials Management Safety Policy	1/1/13	KMR
104	District Laboratory Inspections	1/1/13	KMR
105	District Sample Proficiency Program	1/11/13	KMR
106	Qualified Laboratory Program	1/1/18	KMR



107	Independent Assurance and Qualified Acceptance Personnel Program	1/1/18	KMR
108	ITM Rules of Preparation	1/1/08	KMR
109	Material Certification For Contracts Utilizing Site Manager	6/1/09	KMR
110	New Products	3/23/16	KMR
111	Indiana Test Methods or Procedures	8/1/14	KMR
112	Failed Materials	6/3/19	KMR
<b>200</b>	<b>Aggregate Materials</b>		
201	Certified Aggregate Producer Program Procedures	4/8/19	KMR
202	Production Quality Samples	4/8/19	KMR
203	Dolomite Aggregates	2/12/18	KMR
204	Composite Natural Sand Stockpiles	12/1/06	KMR
<b>300</b>	<b>Asphalt Materials</b>		
301	Certified Hot Mix Asphalt Producer Program Procedures	2/17/19	ELH
302	Asphalt Materials	4/15/19	ELH
303	Plate Sample Preparation and SUPERPAVE Gyratory Compactor (SGC) Specimen Fabrication	2/4/19	ELH
304	QC/QA Hot Mix Asphalt Procedures	4/15/19	ELH
305	Hot Mix Asphalt Mix Design Laboratory Requirements	6/3/19	ELH
306	Specific Gravity of Fine Aggregates from Extracted Samples	2/14/19	ELH
<b>400</b>	<b>Concrete Materials</b>		
401	Portland Cements and Pozzolans	1/1/13	ELH

<b>500</b>	<b>Soils</b>		ELH
502	Dynamic Cone Penetrometer Criteria	6/1/18	ELH
<b>600</b>	<b>Miscellaneous Materials</b>		
601	General Procedures for Controlling Materials Approved Prior to Delivery to the Project	4/1/09	ELH
602	Structural Member Fabrication	9/14/11	ELH

Discussion:

Following our review most directives are materials and methods based and do not contain implications for title VI or any other risk for discrimination on a prohibited basis.